



Klickitat County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only

Received: Received JUN 22 2005

Reviewed by: _____

Date Reviewed: _____

Applicant: Public Utility District No. 1 of Klickitat County

Application Number: KLIC-05-01

This record of decision was made by a majority of the board at an open public meeting of the Klickitat County Water Conservancy Board held on June 14, 2005.

☐ **Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on June 14, 2005 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Brooks Heard
Brooks Heard, Chair
Klickitat County Water Conservancy Board

Date: 6/14/2005

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Cal Edwards
Cal Edwards, Vice Chair
Klickitat County Water Conservancy Board

Date: 6/14/05

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

J.P. Enderby
J.P. Enderby, Treasurer
Klickitat County Water Conservancy Board

Date: 6/14/05

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Robert Andrews
Robert Andrews, Commissioner
Klickitat County Water Conservancy Board

Date: 6/14/2005

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Dick Beightol
Dick Beightol, Commissioner
Klickitat County Water Conservancy Board

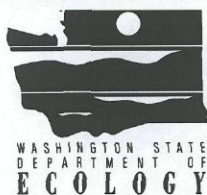
Date: 6-14-05

Approve ☐
Deny ☐
Abstain ☐
Recuse ☒
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on June ____, 2005.

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Klickitat County
WATER CONSERVANCY BOARD
Application for Change/Transfer

Report of Examination
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED March 8, 2005	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) 818-D	WATER RIGHT PRIORITY DATE March 14, 1929	BOARD-ASSIGNED CHANGE APPLICATION NUMBER KLIC-05-01
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NAME Klickitat PUD No. 1	(CITY) Goldendale	(STATE) WA	(ZIP CODE) 98620
ADDRESS (STREET) 1313 S. Columbus			

Changes Proposed: ☐ Change purpose ☐ Add purpose ☒ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☐ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

DECISION HISTORICAL SUMMARY

Existing Right 818-D (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	300	111	Domestic and Locomotive use year round.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Railroad Well							
AT A POINT LOCATED: PARCEL NO.	¼	¼ NE	SECTION 3	TOWNSHIP N. 2	RANGE 12E	WRIA 30	COUNTY. Klickitat
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
For domestic and locomotive supply in the Spokane, Portland and Seattle Railway Company's yards and main line of railroad at Lyle.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	300	111	Municipal supply year round				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Upper Well and Lower Well							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
03123444000100: Upper Well	SE	SE	34	3	12E	30	Klickitat
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
02120222000200: Lower Well	W1/2	NW	2	2	12E	30	Klickitat
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Town of Lyle water system service area as defined in the current Water System Plan.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	300	111	Municipal supply year round				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Upper Well and Lower Well							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
03123444000100: Upper Well	SE	SE	34	3	12E	30	Klickitat
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
02120222000200: Lower Well	W1/2	NW	2	2	12E	30	Klickitat
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Town of Lyle water system service area as defined in the current Water System Plan.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		

Ros #1

DESCRIPTION OF PROPOSED WORKS

The points of withdrawal for water right 818-D will be changed from the Railroad Well to the Upper Well and Lower Well. The Railroad Well is not being used at this time. The Upper and Lower wells currently provide the Town of Lyle with 100% of its water supply. No change in the place of use or purpose of use is necessary. The Klickitat PUD No. 1 (KPUD) owns and operates the water system. The KPUD Lyle Water System Water Rights Acquisition Engineering Report provides detailed information regarding the existing water system and sources of supply.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
NA	December 1, 2005	See Water System Plan

REPORT

See WAC 173-153-130 - The following sections may be expanded onto additional pages.

A) BACKGROUND

i) References

The following documents provide background information and justification in support of the change applications:

- The KPUD Comprehensive Water System Plan, June 2003, provides a plan for the necessary water rights to meet the 20-year demands within the Lyle water system. It includes a preliminary assessment of the water rights approved by the Department of Ecology (Ecology). This Plan was not considered by the Board. It provides the definition of the place of use; that being the service area of the Town of Lyle water system.
- The KPUD Lyle Water System Water Rights Acquisition Engineering Report dated February 16th, 2005; provides detailed information regarding the existing water system, sources of supply, an updated water right assessment, and the need and justification for this project.

ii) Applicant Request

The KPUD has filed two applications for changes to water right certificates 818-D and G4-26121C; each of which authorizes water use from the Railroad Well. The applicant is requesting a change in the point of withdrawal under each certificate. Under water right 818-D the total quantity authorized for withdrawal is 300 gpm and 111 afy. The new points of withdrawal will be the Upper Well and Lower Well; each of which currently provides water supply to the Town of Lyle water system. The Railroad Well will be decommissioned upon approval of the change application.

Water right 818-D is the original right that was used in the early development of the town of Lyle. At the time, the Town of Lyle was centered around the railroad depot. Thus the place of use as described in this certificate (railway yards and main line of railroad) was at that time essentially the Town of Lyle.

The purpose of use of water right certificate 818-D is listed as domestic and locomotive. Both authorized uses are municipal in nature as water was used for residential purposes and governmental proprietary interests. RCW 90.03.015 provides that: "*Municipal water supply purposes*" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes. If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

The application to change the point of withdrawal of water right G4-26121C to the Upper and Lower wells also has been filed and is being processed by the Board simultaneously. Water right No. 818-D and water right No. G4-26121C are separate water rights and therefore additive.

iii) Project Description

This project was identified as the highest priority project in the Water System Plan. Currently, the Lyle water system is supplied by two groundwater wells, the Upper Well and the Lower Well. These wells were constructed in 1988 and 1992 respectively, to replace the prior sources of supply, namely the Railroad Well and Homer James Well. Construction of new wells was necessary due to water quality problems at the previous sources. The KPUD did not apply for a water right change when the Upper and Lower wells were constructed, instead opting to apply for new water rights. The new water rights have never been acted on by Ecology and thus have not been granted.

The combined pumping capacity of the Upper and Lower wells is approximately 265 gpm. The combined hydraulic capacity of both wells is estimated to be 275 gpm. Each well is constructed in accordance with State requirements for construction of municipal water wells. This project is consistent with the water right assessment and the proposed plan for water rights acquisition in the KPUD Water System Plan.

B) COMMENTS AND PROTESTS

One comment has been received by the Board. Mr. David Berger sent an email comment to the Board on May 20th, 2005. In this email he commented as follows:

"Please be advised that I have concerns regarding the water right change application. My well is adjacent to the new wells, and I would like to have it tested for impairment, in order to see if the new location impacts my well. In addition, I am also concerned with the longer term impacts of well drawdown & would be glad to assist you in long term monitoring at my well site."

The KPUD sent a letter to Mr. Berger requesting permission to test his well for impairment. The KPUD was not able to obtain timely approval from Mr. Berger for the testing and thus elected to submit the change applications without impairment testing data.

Mr. Berger attended the Board's June 14, 2005 meeting and restated his comments orally.

The Board's consideration of Mr. Berger's comments is documented in Attachment A to this Report of Examination.

C) INVESTIGATION

i) Verification of Existing Rights

Based on an investigation of the water system and sources, documentation provided by KPUD, and evidence presented at the Board meetings, the Board has determined that the water right proposed for change is in good standing. Documentation of the ownership, extent, and validity of the right is based on the following evidence:

- The KPUD owns water right certificate 818-D and owns the Railroad Well. Certificate of water right 818-D and the Railroad Well were acquired when the KPUD purchased the water system in 1972 from the Lyle Water Company.
- Water right No. 818-D is for municipal use as defined under RCW 90.03.015 and therefore not subject to relinquishment.
- The original place of use as described in the certificate constituted the Town of Lyle. Therefore no change in place of use is necessary as provided for under RCW 90.03.386.
- There is no evidence of abandonment of the water rights.

ii) Water Right Quantity

The full quantity authorized in water right 818-D (300 gpm and 111 afy) is available for municipal use within the Town of Lyle. Therefore this entire quantity can be withdrawn from the Upper and Lower wells.

iii) Impact of Change in Purpose of Use

NA

iv) Public Notification

Public notice for the applicant's request was published in the White Salmon Enterprise on April 14 and April 21, 2005. The KPUD provided testimony at Board meetings in support of its applications.

v) Hydrologic Analysis

The Board believes the proposed change in point of withdrawal satisfies the same-body of water criterion. The proximity of the Upper, Lower, and Railroad Wells to one another combined with the similar strata and depth penetrated by each well indicates that each well taps the same body of water (ref. *Lyle Water System Water Rights Acquisition Engineering Report*).

vi) Potential for Impairment

There are very few existing groundwater withdrawals and no surface water diversions in the greater Lyle area. The closest non KPUD point of withdrawal is a private well located about 1,000 feet from both the Upper and Lower Wells. This is the only privately owned well that could be located in Ecology's database within the Lyle water system service area. The KPUD attempted to obtain approval from the owner of this well for an interference test. However, timely approval from the property owner did not occur. Both this well and the KPUD's wells have been in use for over 12 years. Impairment of this well due to the change is very unlikely due to the long period of use without any reported interference problems coupled with the significant distance between the wells and the relatively low rate of withdrawal.

No sustained record of impairment has been discovered in the area by the Board. The proposed action will not increase the certified water right and therefore there will be no increase in the withdrawal on an annual basis due to the change. In conclusion, the proposed change will not impair existing groundwater and surface water sources including exempt water right and water right holders.

vii) Board Investigation

The Board has conducted a field investigation of the place of use and the existing and proposed points of withdrawal. The field examination confirmed the information provided by the applicant.

The Board has discussed the change application with Ecology and requested comments on issues of concern.

The Board has reviewed water right documentation, reviewed the applicant's technical information, is familiar with the existing water use and operations, and has conducted its own review of the water rights relative to the proposed change application.

viii) Pending Applications

The applicant's request will not affect the priority for action on pending new water rights or change applications filed with Ecology. No infringement on priority for action for these applications is perceived by the Board.

D) CONCLUSIONS

For the subject water right, the findings based on the above investigation are as follows:

- 1) The water right is valid. A total of 300 gpm and 111 afy is available for change. No relinquishment or abandonment of the rights has occurred.
- 2) Public notice has been provided for the proposed action and no protests have been received by the Board or Ecology.
- 3) The Board has concluded that impairment of existing groundwater withdrawals and surface diversions will not occur as a result of the water right change.
- 4) The proposed points of withdrawal are in the same body of water as the existing point of withdrawal; specifically the Railroad Well.
- 5) Decommissioning of the Railroad Well will ensure that the entire water right quantities can be withdrawn from the Upper and Lower wells and that the aquifer is not susceptible to direct contamination via the Railroad Well.

E) RECOMMENDATIONS

The Klickitat County Water Conservancy Board hereby approves the water right change described within this record of examination and record of decision, and submits this certificate for conditional approval to the Director of the Washington State Department of Ecology. If the Director takes no action within forty-five days of the receipt of this ROE, then the Water Board's decision, as written, is final.

It is recommended that Ecology issue a superseding certificate that: changes the points of withdrawal to the Upper and Lower wells, clarifies the purpose of use for the water rights as municipal, changes the water right holder's name to KPUD and changes the place of use to the Town of Lyle water system service area.

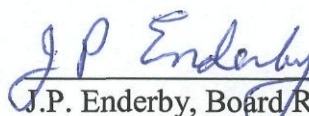
It is further recommended that the KPUD conduct long-term periodic monitoring of static groundwater levels in its Upper and Lower wells as necessary to monitor any trends in groundwater level over time.

F) PROVISIONS AND CONDITIONS

- 1) Upon approval of this water right change by Ecology, the KPUD will decommission the Railroad Well.
- 2) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
- 3) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 4) Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 5) Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.
- 6) The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit/Certificate/Claim No., source name, annual quantity used including units of measurement, maximum rate of diversion including units of measurement, monthly meter readings including units of measurement, peak monthly flow including units of measurement, Department of Health WFI water system number and source number(s), purpose of use, well tag number, open channel flow or pressurized diversion, and period of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Signed at Goldendale, Washington

This 20th day of June, 2005



J.P. Enderby, Board Representative
Klickitat County Water Conservancy Board

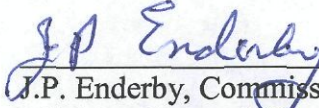
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Attachment A
Klickitat County Water Conservancy Board
Report of Examination
Application for Change Number KLIC-05-01

Comments and Protests

By E-Mail dated May 20, 2005, Mr. David Berger submitted written comments on Application Numbers KLIC-05-01 and KLIC-05-02. In his written comments, Mr. Berger stated that his well is adjacent to Public Utility District No.1 of Klickitat County's (KPUD's) new wells and that he would like his well tested for impairment. In his written comments, Mr. Berger also stated that he is concerned with the longer term impacts of well drawdown and that he would be glad to assist with long-term monitoring at his well site. Mr. Berger attended the Klickitat County Water Conservancy Board (the Board) meeting on June 14, 2005 and stated these same concerns orally and discussed them with the Board and KPUD representative Doug Miller. Mr. Berger requested that the KPUD provide him with the monitoring data collected from monitoring of the KPUDS's wells. Mr. Miller stated that the KPUD will release information from the monitoring of its own wells to as the law allows. The Board directed that, as resolution of Mr. Berger's comments, Mr. Miller's statement shall be documented in an attachment to the Report of Examination.



J.P. Enderby, Commissioner Date
Klickitat County Water Conservancy Board